

No. 9423-4Lab-75/26759.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the Management of M/s Bags and Cartoons (India), Daultabad Road, Gurgaon.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 50 of 1971

between

THE WORKMEN AND THE MANAGEMENT OF M/S BAGS & CARTOONS (INDIA),
DAULTABAD ROAD, GURGAON

Present.—

Shri C. B. Kaushik and Sarda Nand, for the workman.

Nemo, for the management.

AWARD

By order No. ID/GG/14-B-70/14930, dated 15th May, 1971, of the Governor of Haryana, the following disputes between the management of M/s Bags and Cartoons (India), Daultabad Road, Gurgaon, and its workmen were referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

- (1) Whether the workers should be paid bonus for the years 1967-68, 1968-69 and 1969-70? If so, with what details?
- (2) Whether the grades and scales of pay of all the workers of the factory should be fixed? If so, with what details?
- (3) Whether the workers should be given D. A. with linkage to the cost of living index? If so, with what details and from which date?
- (4) Whether uniforms should be supplied to all the workmen of the factory? If so, with what details?

Notices of the reference having been issued to the parties, they appeared before the Tribunal on 3rd June, 1971. The detailed statement of claim was filed on behalf of the workmen by Shri Sarda Nand their representative on that date. A copy of the statement of claim was supplied to the management with the directions to them to file the written statement and documents relied on by them on 28th June, 1971, the next date of hearing. The management failed to appear on 28th June, 1971, despite being directed to do so and file their written statement on that date, with the result that they were proceeded with *ex parte* and the workmen were directed to adduce their *ex parte* evidence on 21st July, 1971.

An application made by the management for setting aside the *ex parte* proceedings, was accepted,—vide order dated 21st July, 1971 conditional on payment of Rs. 25 as costs and the case was adjourned to 19th August, 1971, for filing of the written statement by the management and payment of costs. None appeared for the management even on 19th August, 1971 with the result that the *ex parte* proceedings were again taken against them and the workmen were directed to produce their evidence on 10th September, 1971.

The *ex parte* evidence of the workmen was recorded on 9th December, 1971. The records of the management summoned by the workmen in support of their claim were not produced by the Accountant concerned despite service of notice several times. It would appear that the management intentionally failed to defend their case and contumaciously avoided appearance before the Tribunal, so much so that they suppressed relevant record in their possession leading to an inference against them under section 114(g) of the Indian Evidence Act.

I have carefully considered the *ex parte* evidence adduced by the workmen. This consists of the oral statement of Sarvshri Om Parkash, W.W. 1, Ram Achal, W.W. 2, Sat Narain, W.W. 3, and Kali Charan, W.W. 4, workmen.

Each one of these workmen deposed that the respondent Bags and Cartoons (India), Daultabad Road, Gurgaon, was initially established at Delhi some 35 years ago and that it was shifted to Gurgaon in April, 1969 and he joined service with the aforesaid management at Delhi in the year 1966 when bonus was paid at the rate of 4 per cent. He further added that no bonus was paid after 1966.

No evidence was led on disputes Nos. 2 to 4 as stated in the order of reference and the burden so heavily placed on the workers thus remains undischarged.

I, however, relying on the statement of the workers, Sarvshri Om Parkash, Ram Achal, Sat Narain, Kali Charan hold that the management failed to pay bonus to the workmen for the years 1967-68, 1968-69 and 1969-70 as claimed by them. It would, however, appear that the claim of the workmen for the bonus for the years 1967-68 and 1968-69 is not maintainable before the Industrial Tribunal, Haryana, in as much as the management admittedly shifted to Gurgaon within the jurisdiction of the State of Haryana in the year 1969 and this Tribunal is not competent to grant bonus to the workmen for the period prior thereto. I thus allow the workmen bonus at the rate of Rs. 4 per cent of the wages earned by the workmen during the year 1969-70, the minimum permissible to the workmen and reject the claim of the workmen for the bonus for the years 1967-68 and 1968-69. In absence of any evidence for the workmen on disputes Nos. 2 to 4 as referred to the Tribunal, I reject their claim to that extent.

The workmen shall thus be paid bonus at the rate of Rs. 4 per cent of the wages earned by the management during the year 1969-70 and the remaining demands of the workmen having stood unsubstantiated and hereby rejected.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 11th August, 1975.

No. 11378, dated 11th August, 1975

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, are required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 11th August, 1975

No. 9426-4Lab-75/26765.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Popular Rubber Mills, Rasoi (Sonapat).

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 167 of 1974

between

THE WORKMEN AND THE MANAGEMENT OF M/S POPULAR RUBBER MILLS,
RASOI (SONEPAT)

Present—

Nemo, for the workman.

Shri C. R. Gulati, for the management.

AWARD

By order No. ID/RK/117-B-74/36202, dated 31st October, 1974, the Governor of Haryana referred the following dispute between the management of M/s Popular Rubber Mills, Rasoi (Sonapat), and its workmen to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the retrenchment of the workmen mentioned in annexure 'A' is justified and in order? If not, to what relief are they entitled?

Usual notices of reference, having been sent to the parties, they filed their pleadings. The management took up the preliminary objection that the demand notice, dated 7th April, 1973, relating to the illegality of retrenchment order dated 7th April, 1973, having already been conceded to by the management, this reference relating to that demand was illegal and was as such liable to be quashed. The management further pleaded that the workmen had amicably settled their claims and received full wages and there was no dispute between the parties requiring adjudication.

The following issues were framed on pleas of the parties,—*vide* order dated 4th June, 1975, of Shri Om Parkash Sharma, my learned predecessor, the then Presiding Officer of the Industrial Tribunal:—

- (1) Whether the present reference is bad in law for reasons given in preliminary objection No. 1 of the written statement?

- (2) Whether the workmen concerned have settled their claims and received their full dues as alleged in preliminary objection No. 2 of the written statement ?
- (3) Whether the retrenchment of the workmen mentioned in the annexure 'A' is justified and in order ? If not, to what relief are they entitled ? (on management).

I have heard Shri C. S. Gulati appearing for the management on the issues framed and have seen the record. I decide the issue as under :—

Issue No. 1 —

The admitted case of the parties as found disclosed from their pleading briefly stated is that the management retrenched the workmen, 20 in numbers as mentioned in annexure 'A' attached with the reference, with effect from 7th April, 1973,—*vide* notices of the aforesaid date. The notice of the retrenchment having been resisted,—*vide* demand notice dated 7th April, 1973, the management cancelled their notice, dated 7th April, 1973, retrenching the workmen,—*vide* another notice dated 4th June, 1973. The management thus conceded that the notice dated 7th April, 1973, retrenching the workmen was bad in law.

I find on perusal of the record that the reference in respect of the dispute stated above relates to demand notice dated 17th April, 1973 served by the workmen on the management regarding notice dated 7th April, 1973, retrenching their services. As stated earlier the demand made by the workmen,—*vide* notice dated 17th April, 1973, has already been conceded to. It is thus obvious that the reference in respect of the demand already conceded is illegal and unmaintainable and liable to be quashed on this ground alone. I decide issue No. 1 in favour of the management.

Issue No. 2 —

In absence of any evidence for the management on this issue, the same is decided against them.

Issue No. 3.—

The management has already conceded that the retrenchment of the workmen effected,—*vide* notice dated 7th April, 1973, is illegal and as such the question of deciding this issue does not arise.

I, as a result, of my finding on issue No. 1, hold that the reference is illegal, liable to be quashed and return my award accordingly.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana;
Faridabad.

Dated 11th August, 1975

No. 1379, dated 11th August, 1975

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 11th August, 1975

No. 9425-4Lab-75/26767.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s United Steel and Allied Industries, Bahadurgarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 1 of 1975

between

THE WORKMEN AND THE MANAGEMENT OF M/S UNITED STEEL AND ALLIED
INDUSTRIES, BAHADURGARH

Present:

Shri Rajinder Singh Dahyia, for the workman.

Shri T. R. Sharma, for the management.

AWARD

By order No. 1D/RK/17-C-74/41269, dated 30th December, 1975 the Governor of Haryana, referred the following dispute between the management of M/s United Steel and Allied Industries, Bahadurgarh (Rohtak) and its workmen to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether Seasonal Uniforms along with the pair of shoes should be provided to the workmen of the factory ? If so, with what details ?

Usual notices of reference having been sent to the parties, Shri Rajinder Singh Dahyia, appeared for the workmen on 5th March, 1975 and prayed for adjournment for filing the statement of claim. The case being adjourned to 7th May, 1975,—*vide* order dated 5th March, 1975, Shri Rajinder Singh filed the statement of claim, but the management being not served for this date, order were made for issue of notice of reference for service on the management. The management filed the written reply of the statement of claim on 6th June, 1975.

The workmen through their representative Shri Rajinder Singh,—*vide* statement of claim alleged that each of the workmen had to maintain a big family, depending on him and that he could not afford to provide uniform and shoes required for daily use with the wages that he received from the management. It was stated generally that the burden on the management, involved as a result of supply of uniform and shoes would not be heavy and the financial position of the management was sound, and the award may be returned in favour of the workmen.

The management,—*vide* written reply resisted the claim on the ground that the demand made by the workmen was vague. The management controverted the allegations of the workmen and pleaded that the duties of the workmen did not involve the use of any grease, oil, furnace, casting etc. rendering their clothes and shoes dirty and that the life of their clothes was not affected, as a result of their working in the industry which was being run on a small scale.

The workmen reiterated the allegations made by them in the statement of claim, —*vide* replication filed by them and denied the pleas of the management.

The following issues were framed on the pleas of the parties,—*vide* order dated 6th June, 1975:—

- (1) Whether the present reference is illegal and incompetent for the reasons stated in the preliminary objection of the written statement, dated 24th May, 1975 of the management ?
- (2) Whether the seasonal uniforms along with the pair of shoes should be provided to the workmen of the factory ? If so, with what details ?

I have heard the parties present before me today. Both the issues are interconnected in the sense that in absence of any allegation on behalf of the workmen in respect of the nature of their duties necessitating the supply of uniforms and shoes to them, the demand made by them shall be taken as vague and indefinite, disentitling them to any relief. It would appear from facts of the case stated above that the workmen did not state in the statement of claim the nature of their duties and generally prayed for an award of grant of uniform and shoes to them only on the ground that their clothes put on by them at the time of discharging their duties became dirty and that they could not afford to provide new clothes after the old ones had been worn out. Such a claim is not legally maintainable in absence of any rules or standing orders, governing the workmen.

The workmen did not adduce any evidence on issue No. 2 and the burden of this issue placed so heavily on them remains undischarged. The workmen did not summon any witness or the records of the respondent management to establish their demand leading to the conclusion that they did not rely on rules or standing orders governing the conditions of their service. The evidence of the workmen was closed by me today,—*vide* my separate detailed order.

I, thus for all these reasons hold that the demand made by the workmen is vague and indefinite even though the reference cannot be said to be illegal and incompetent for that reasons. I decide issue No. 1 in favour of the workmen and issue No. 2 against them.

In consequence I while deciding the dispute as referred to me against the workmen, answer the award accordingly with the finding that they are not entitled to the supply of uniforms and shoes from the management.

Dated 11th August, 1975.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1381, dated 11th August, 1975

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 11th August, 1975.

MOHAN LAL, JAIN,
Presiding Officer.
Industrial Tribunal, Haryana,
Faridabad.

No. 9427-41Lab-75/26769. - In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Ram Dass Barkat Ram, Bahadurgarh (Rohtak).

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 2 of 1975

between

THE WORKMEN AND THE MANAGEMENT OF M/S RAM DASS BARKAT RAM,
BAHADURGARH (ROHTAK)

Present :—

Shri Rajinder Singh Dahyia for the workmen.

Shri T. R. Sharma for the management.

AWARD

By order No. ID/RK/262-B-74/41216, dated 30th December, 1975, the Governor of Haryana, referred the following dispute between the management of M/s Ram Dass Barkat Ram, Bahadurgarh (Rohtak) and its workmen to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the workmen should be given uniforms and shoes every year? If so, with what details?

Usual notices of reference having been sent to the parties, Shri Rajinder Singh Dahyia appeared for the workmen on 5th March, 1975 and prayed for adjournment for filing the statement of claim. The case being adjourned to 7th May, 1975, *vide* order dated 5th March, 1975, Shri Rajinder Singh filed the statement of claim, and the management being not served for this date, order were made for issue of notice of reference of service on the management. The management filed the written reply of the statement of claim on 6th June, 1975.

The workmen through their representative Shri Rajinder Singh *vide* statement of claim alleged that each of the workmen had to maintain a big family depending on him and that he could not afford to provide uniforms and shoes required for the daily use with the wages that he received from the management. It was stated generally that the burden on the management, involved as a result of supply of uniform and shoes would not be heavy and the financial position of the management was sound, and the award may be returned in favour of the workmen.

The management, *vide* written reply resisted the claim on the ground that the demand made by the workmen was vague. The management controverted the allegations of the workmen and pleaded that the duties of the workmen did not involve the use of any grease, oil, furnace, casting etc. rendering their clothes and shoes dirty and that the life of their cloth was not affected, as a result of their working in the industry which was being run on a small scale.

The workmen reiterated the allegations made by them in the statement of claim, *vide* replication filed by them and denied the pleas of the management.

The following issues were framed on the pleas of the parties, *vide* order dated the 6th June, 1975.

- (1) Whether the present reference is illegal and incompetent for the reasons stated in the preliminary objection of the written statement dated 24th June, 1975, of the management.
- (2) Whether the workmen should be given uniforms and shoes every year? if so, with what details?

I have heard the parties present before me today. Both the issues are interconnected in the sense that in absence of any allegation on behalf of the workmen in respect of the nature of their duties necessitating the supply of uniforms and shoes to them, the demand made by them shall be taken as vague and indefinite, desentitling them to any relief. It would appear from the facts of the case stated above that the workmen did not state in the statement of claim the nature of their duties and generally prayed for an award of grant of uniform and shoes to them only on the ground that there clothes put on by them at the time of discharging their duties became dirty and that they could not afford to provide new clothes after the old one had been worn out. Such a claim is not legally maintainable in absence of any rules or standing orders, governing the workmen.

The workmen did not adduce any evidence on issue No. 2 and the burden of this issue placed so heavily on them remains undischarged. The workmen did not summon any witness or the records of the respondent management to establish their demand leading to the conclusion that they did not rely on rules or standing orders governing the conditions of their service. The evidence of the workmen was closed by me today, —vide my separate detailed order.

I, thus for all these reasons hold that the demand made by the workmen is vague and indefinite even though the reference cannot be said to be illegal and incompetent for that reason. I decide Issue No. 1 in favour of the workmen and issue No. 2 against them.

In consequence I while deciding the dispute as referred to me against the workmen, answer the award accordingly with the finding that they are not entitled to the supply of uniforms and shoes from the management.

Dated the 11th August, 1975.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1377, dated 11th August, 1975

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required by section 15 of the Industrial Disputes Act, 1947.

Dated the 11th August, 1975.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9422-4Lab-75/25771.—In pursuance of the provisions of section 17 of the Industrial disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s B. B. Group, opposite Escorts Limited, Plant No. 1, 18/4, Mathura Road, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 38 of 1973

between

SHRI ARJUN DASS WORKMAN AND THE MANAGEMENT OF M/S B. B. GROUP, OPPOSITE
ESCORTS LIMITED, PLANT NO. 1, 18/4, MATHURA ROAD, FARIDABAD

Present:

Shri Chaman Lal Oberoi for the workman.

Shri S. L. Gupta for the management.

AWARD

By order No. ID/FD/73/7305, dated 21st March, 1974, of the Governor of Haryana, the following dispute between the management of M/s B. B. Group, opposite Escorts Limited, Plant No. 1, 18/4, Mathura Road, Faridabad and its workmen Shri Arjun Dass was referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Arjun Dass was justified and in order? If not, to what relief is he entitled?

Notice of the reference having been issued to the parties, the workman filed his statement of claim with an allegation that he being a permanent employee with the respondent as a Band Saw Machine Mechanic since January, 1973 received Rs. 275 per mensem as his wages and that his services had been illegally terminated by the respondent with effect from 19th October, 1973 without service of any charge-sheet on him and without any enquiry. He stated that the order of termination of his services was entirely unjustified and that he had been removed from service only on account of grudge against him as a result of his being an active member of the Saw Mills Workers Union.

The respondent, *vide* written reply denied the allegations of the workman and pleaded that he absented himself from duty on 15th of October when Lali'a Parshad proceeded on leave for a week's time and as a result of the absence of the workman, the working of the factory remained held up and at a stand still. They further stated that the workman remained absent till 31st October, 1973 and that it amounted to voluntary abandonment or of service by him.

The workman controverted the plea of the respondent and reiterated his allegations made by him in the statement of claim,—*vide* replication filed by him with the result that the following issues were framed on the pleas of the parties,—*vide* order dated 1st June, 1974 of Shri Om Parkash, Sharma, my learned predecessor, the then Industrial Tribunal.

Whether the termination of services of Shri Arjun Dass was justified and in order? If not, to what relief is he entitled?

The respondent in support of the issue examined one Shri Satinder Bajaj one of their partners. He stated that one Shri Lalita Parshad was granted leave for one week on 15th October, 1973 and Shri Arjun Dass workman agreed to discharge the duties entrusted to Shri Lalita Parshad during the latter's absence on leave. He added that Shri Arjun Dass did not report for duty on 15th October, 1973 and remained absent till 31st October, 1973 with the result that the whole working of the factory remained held up during this period and that Shri Arjun Dass joined service with M/s Mahana Industries, Mathura Road, Faridabad and continued serving that concern for one year. The management did not adduce any other evidence so much so, they did not support the statement of Shri Satinder Bajaj their partner with documentary evidence despite several opportunities being granted to them for that purpose. Their evidence had thus unavoidably to be closed,—*vide* my detailed order dated 26th July, 1975 with the finding that they were contumaciously lengthening the disposal of the case and had failed to avail of several opportunities granted to them for adducing the evidence.

Shri Arjun Dass in rebuttal made his own statement while stating that he was not allowed to join his duties on 19th October, 1973 after he had availed off three days leave from 16th October, 1973 to 18th October, 1973 which had been duly sanctioned in his favour and that despite repeated requests the management declined to permit him to resume his duties. He further stated that he served a demand notice on the management directly and obtained a receipt of the Manager on a copy Exhibit W-1 in token thereof.

It would appear from the aforesaid facts that the management miserly failed to substantiate their case on the issues framed. The burden of issue which lay heavily on them remained undischarged. The oral statement of Shri Satinder Bajaj one of their partner is hardly sufficient to establish their pleas particularly when the documentary evidence in their possession was withheld leading to a presumption that if produced it would have rebutted their case.

I thus placing no reliance on the oral statement of Shri Satinder Bajaj an interested witness, believe the evidence of Shri Arjun Dass workman which is further corroborated by the copy of the demand notice Exhibit W. W. 1.

In the result, I decide the issue No. 1 against the management and hold that the termination of the services of Arjun Dass was unjustified, improper and illegal and that he is entitled to reinstatement with full back wages and continuity of service. The award is made accordingly,

Dated the 11th August, 1975.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1376, dated the 11th August, 1975

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 11th August, 1975

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.